

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 UNITED STATES OF AMERICA :
 :
 - v. - : CONSENT PRELIMINARY ORDER
 BRYAN DUNCAN, : OF FORFEITURE/
 : MONEY JUDGMENT
 Defendant. : S1 18 Cr. 289 (SHS)
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WHEREAS, on or about April 8, 2019, BRYAN DUNCAN (the “Defendant”), among others, was charged in a six-count Superseding Indictment, S1 18 Cr. 289 (SHS) (the “Indictment”), with conspiracy to commit mail fraud and wire fraud, in violation of Title 18, United States Code, Sections 1349 (Count One); mail fraud, in violation of Title 18, United States Code, Sections 1341 and 2 (Count Two); wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Three); conspiracy to commit mail and wire fraud, in violation of Title 18, United States Code, Section 1349 (Count Four); mail fraud, in violation of Title 18, United States Code, Sections 1341 and 2 (Count Five); and wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Six);

WHEREAS, the Indictment included forfeiture allegations as to Counts One through Six, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from, proceeds traceable to the commission of the offenses charged in Counts One through Six of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the

commission of the offenses charged in Counts One through Six of the Indictment that the Defendant personally obtained;

WHEREAS, on or about May 28, 2019, following a jury trial, the Defendant was found guilty of Counts One, Four, Five, and Six of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$515,244.00 in United States currency pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), representing the amount of proceeds traceable to the offenses charged in Counts One, Four, Five, and Six of the Indictment that the Defendant personally obtained (the “Money Judgment”); and

WHEREAS, the Defendant agrees to make a payment to the United States ~~in the~~ ^{of} \$20,000 in United States currency towards the satisfaction of the Money Judgment within one (1) week of the entry of this Consent Preliminary Order of Forfeiture/Money Judgment and agrees to make monthly payments to the United States Marshals Service of not less than ten (10) percent of his gross monthly income (the “Payment Plan”);

WHEREAS, provided the Defendant complies the Payment Plan, the Government agrees to accept a total payment of \$222,796.80 to satisfy the entire outstanding Money Judgment;

WHEREAS, the Defendant agrees that as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One, Four, Five, and Six of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Jay Clayton, United States Attorney, Assistant United States Attorney,

Nicholas W. Chiuchiolo and Alexandra Rothman of counsel, and the Defendant, and his counsel, Margaret Shalley, Esq., and Corey Briskin, Esq., that:

1. As a result of the offenses charged in Counts One, Four, Five, and Six of the Indictment for which the Defendant was found guilty, a money judgment in the amount of \$515,244.00 in United States currency, representing the amount of proceeds traceable to the offenses charged in Counts One, Four, Five, and Six of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. The Government shall deem the Money Judgment fully satisfied upon receipt of (a) a payment of \$20,000 made payable to the United States Marshals Service within one (1) week of the entry of this Consent Preliminary Order of Forfeiture/Money Judgment (the “Initial Payment”), and (b) upon receiving payments from the Defendant totaling \$222,796.80 in United States currency consistent with the Payment Plan.

3. For the avoidance of doubt, the Government shall deem the Money Judgment fully satisfied—and the defendant shall not be liable for the remaining portion of the Money Judgment—upon receiving payments from the Defendant totaling \$222,796.80 in United States currency.

4. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, BRYAN DUNCAN, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

5. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the “United States Marshals Service” and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn:

Money Laundering and Transnational Criminal Enterprises Unit, 26 Federal Plaza, New York, New York 10278 and shall indicate the Defendant's name and case number.

6. The United States Marshals Service or its designee is authorized to deposit the payments on the Money Judgment in the Asset Forfeiture Fund, and the United States shall have clear title to such forfeited property.

7. The Government agrees not to take any action, pursuant to Title 18, United States Code, Section 853(p), seeking the forfeiture of substitute assets of the Defendant while the Defendant is complying with the Payment Plan. In the event the Defendant fails to make the Initial Payment or make payments under the Payment Plan, the entire Money Judgment shall be due and the United States may take action pursuant to Title 21, United States Code, Section 853(p) up to the entirety of the outstanding Money Judgment.

8. Subject to the terms set forth above, pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

9. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

10. This Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

11. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

JAY CLAYTON
United States Attorney for the
Southern District of New York

By: Nicholas Chiuchiolo 6/23/2025
Nicholas W. Chiuchiolo DATE
Alexandra Rothman
Assistant United States Attorneys
26 Federal Plaza
New York, NY 10278
(212) 637-1247/2580

BRYAN DUNCAN

By: Bryan Duncan DATE

By: Margaret Shalley 6/23/2025
Margaret Shalley, Esq. DATE
Corey Briskin, Esq.
Attorneys for Defendant

SO ORDERED:

HONORABLE SIDNEY H. STEIN
UNITED STATES DISTRICT JUDGE

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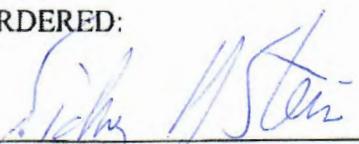
AGREED AND CONSENTED TO:

JAY CLAYTON
United States Attorney for the
Southern District of New York

By: _____ DATE
Nicholas W. Chiuchiolo
Alexandra Rothman
Assistant United States Attorneys
26 Federal Plaza
New York, NY 10278
(212) 637-1247/2580

BRYAN DUNCAN
By: _____ DATE
Bryan Duncan

By: _____ DATE
Margaret Shalley, Esq.
Corey Briskin, Esq.
Attorneys for Defendant

SO ORDERED:

HONORABLE SIDNEY H. STEIN
UNITED STATES DISTRICT JUDGE

6/26/2025
DATE